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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,795	09/13/2000	Ralph Stankowski	MCA-470	7343

7590 12/17/2002  
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EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 12/17/2002

18

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/660,795

Applicant(s)

Stankowski et al.

Examiner

Popovic

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 9/30/02

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above claim(s) 1-4 and 10-21 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 5-9 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “*said cartridge being free of an open void volume upstream of said depth filter*” appears in claim 5. Applicants are referred to Figure 1 of their invention. It is submitted that the volume through which arrows 31 pass, constitutes “*an open void volume upstream of said depth filter.*” Accordingly, it is unclear what Applicants intend by the recitation in question.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Price (US 3,266,628).

Referring to Fig. 1, the unlabeled downward conduit next to the inlet is seen to constitute the claimed “conduit.”

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7- 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Price (US 3,266,628) and Megesi (US 3,043,432).

Price discloses a filter to filter fluids and gases as broadly disclosed. Claim 7 differs from Price by specifying the filtration of a photoresist chemical. Megesi, in a similar apparatus, discloses the use of a filter to purify spent photographic solutions. In view of this disclosure, it would have been obvious to one of ordinary skill in the art to employ the filter of Price, to purify a spent photographic solution, such as photoresist, in order purify it.

***Allowable Subject Matter***

6. The purification of a “*ceria-based slurry*” would be allowable if that specific slurry was incorporated into claim 5, and if the claim was re-written to overcome the numerous 112 rejections set forth above. Applicants are encouraged to amend claim 5 to clearly specify each manipulative step, and requested that each step appear as a separate indentation. Applicants are **required** to submit a “*clean copy*” of all elected claims with any response.

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***Response to Arguments***

7. Applicant's arguments filed July 25, 2002 and September 30, 2002 have been fully considered but they are not persuasive. Applicant has argued that "The pending claims require that the cartridge is free of an open void volume which causes separation of particles from a slurry being filtered," and that this "open void volume" serves to patentably distinguish claim 5 from Price. As the Examiner pointed out, and as Applicant agreed, Applicant's filter cartridge does in fact contain an "open void volume" (Response of July 25th, lines 4-6 of "Remarks" section). Applicant goes on to explain that it isn't an "open void volume," when "the slurry to be filtered is introduced into the filtration cartridge." Similarly, an "empty bucket" is still an "empty bucket" when it's filled with water - right??? In any event, Applicant's claims are not commensurate in scope with the arguments made in this regard.

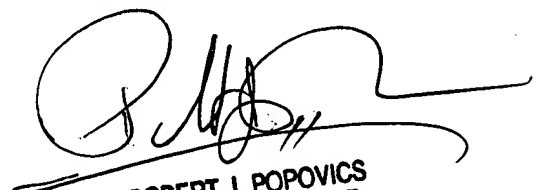
***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Popovics whose telephone number is (703) 308-0684.

RJP  
December 16, 2002

  
**ROBERT J. POPOVICS  
PRIMARY EXAMINER**